

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney
General

BRIGHAM J. BOWEN
Assistant Branch Director

GISELLE BARCIA
Trial Attorney
Civil Division, Federal Programs Branch
U.S. Department of Justice
1100 L Street NW
Washington, D.C. 20005
Telephone: (202) 305-1865
Fax: (202) 514-8640
E-mail: giselle.barcia@usdoj.gov

Counsel for Defendants

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

The Church of the Eagle and the Condor *et al.*,

Plaintiffs,

vs.

Merrick Garland *et al.*,

Defendants.

Case No. 2:22-cv-01004-SRB

**JOINT MOTION TO EXTEND
THE DISCOVERY SCHEDULE
(Second Request)**

Pursuant to Fed. R. Civ. P. 6(b) and LRCiv 7.3, the parties jointly move to extend the discovery schedule.

In the parties' joint motion of October 13, the parties reported that they had been engaged in fruitful settlement discussions. *See* Joint Motion To Extend Discovery Schedule (Dkt. No. 41); *see also* Case Management Order ¶ 8 (Dkt. No. 34) (setting deadlines for the parties to engage in good-faith settlement negotiations and requiring a joint report). Since then, the parties have taken significant steps toward potentially resolving this matter, including DEA completing a pre-registration inspection. The parties are currently negotiating a potential settlement agreement.

1 To that end, the parties agree that a second 60-day extension of the discovery schedule,
2 during which neither side will conduct discovery, would be appropriate in order to continue
3 settlement negotiations. For those reasons, and for the reasons stated in the parties' previous
4 Joint Motion and Stipulation (Dkt. No. 41), the parties respectfully request that the Court enter
5 the parties' Proposed Order regarding the discovery schedule, which accompanies this motion.¹

6
7 Respectfully submitted this 20th day of December, 2023.

8 BRIAN M. BOYNTON
9 Principal Deputy Assistant Attorney General

10 BRIGHAM J. BOWEN
11 Assistant Branch Director

12 /s/ Giselle Barcia
13 GISELLE BARCIA
14 Trial Attorney
15 Civil Division, Federal Programs Branch
16 U.S. Department of Justice
17 1100 L Street NW
18 Washington, D.C. 20005
19 Telephone: (202) 305-1865
20 Fax: (202) 514-8640
21 E-mail: giselle.barcia@usdoj.gov

22 *Counsel for Defendants*

23 By: s/ Jack Silver
24 Jack Silver, *pro hac vice*
25 Cal. Bar No. 160575
26 Law Office of Jack Silver
27 708 Gravenstein Hwy No. # 407
28 Sebastopol, CA 95472-2808
JsilverEnvironmental@gmail.com

¹ In the event the Court were to disagree with the parties' dispositive motion deadline, the parties would, in the alternative, agree to limit the proposed extension to 45 days beginning with the expert disclosure deadline in an effort to avoid a continuance of the trial date.

Tel: (707) 528-8175
Fax: (707) 829-0934

By: s/ Gilbert Paul Carrasco with permission
Gilbert Paul Carrasco, *pro hac vice*
Cal. Bar No. 90838
D.C. Bar No. 334722
Professor of Law
Willamette University College of Law
c/o 19431 Sunray Lane, Suite # 102
Huntington Beach, California 92648-6401
carrasco@willamette.edu
Tel: (714) 698-8142
Mobile: (503) 990-4879

By: s/ Sean T. McAllister with permission
Sean T. McAllister, Esq., *pro hac vice*
Colo. Bar No. 31350
Cal. Bar No. 310962
McAllister Law Office, P.C.
4035 E. 3rd Avenue
Denver, CO 80220
sean@mcallisterlawoffice.com
Tel: 720-448-6235

By: s/ Martha J. Hartney with permission
Martha J. Hartney, Esq., *pro hac vice*
Colo. Bar No. 42017
Hartney Law, LLC
4450 Arapahoe Avenue, Suite 100
Boulder, CO 80303
martha@hartneylaw.com
Tel: (303) 747-3909
Fax: (303) 835-7199

By: s/ Ismail Lourido Ali with permission
Ismail Lourido Ali, Esq., *pro hac vice*
Cal. Bar No. 312660
1530 Campus Drive
Berkeley, CA 94708
lourido.ali@gmail.com
Tel: (559) 801-7317

Attorneys for Plaintiffs